

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.2489 OF 2006

Ram Baburao Salve & Ors. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Meghashyam Kocharekar for petitioners.

Mr. S. R. Borulkar, PP with Mr. S. S. Pednekar, APP
for the State.

**CORAM : SMT. RANJANA DESAI &
ANOO V. MOHTA, JJ.**

DATED : 16th January, 2007

P.C.

In this petition, the petitioners have inter-alia prayed for quashing of C.R. No. 4 registered at G.B. C.B., CID, Mumbai. It appears that the petitioners had earlier filed Criminal Writ Petition No. 2000 of 2006 in which same prayer was made. That petition was disposed of by this court on 21/09/2006. We may quote the material observations made in paragraph 2 of the order dated 21/09/2006.

"The Respondent no.2 himself has stated that he will withdraw the complaint lodged with the learned Metropolitan Magistrate as well as the F. I. R. if that is so it will not be proper on the part of this Court to quash and set aside the Crime No. 4 of 2005

registered with G. B., C. B., C. I. D. Mumbai and the complainant can very well withdraw the same as per the affidavit. The affidavit filed by the Respondent No. 2, complainant is taken on record. Therefore, the petition is dismissed as infructuous."

2. In view of the above observations, the learned counsel for the petitioners states that he will prefer an appropriate application before the learned Magistrate who is seized of the matter. If such an application is made, the learned Magistrate shall deal with it in accordance with law. We make it clear that we have not expressed any opinion on the merits. Petition is allowed to be withdrawn and is disposed of as such.

[SMT.RANJANA DESAI, J.]

[ANOO V. MOHTA, J.]